

Sumter City-County Board of Zoning Appeals

October 10, 2012

BOA-12-39,
3030 Daufaskie Rd. / 10 Daufaskie Ct. (City)

The applicant is requesting a variance from the side setback requirement of 12.5 feet to allow a home to be constructed 9.88 feet from the side property line per the Development Standards for the Carolina Palms subdivision.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

October 10, 2012

BOA-12-39, 3030 Daufaskie Rd / 10 Daufaskie Ct. (City)

I. THE REQUEST

Applicant: Apex Home Builders, Inc.

Status of the Applicant: Contractor

Request: An exterior side setback variance from the required setback of 12.5 feet for construction of new home.

Location: 3030 Daufaskie Rd / 10 Daufaskie Ct.

Present Use/Zoning: Residential / R-15

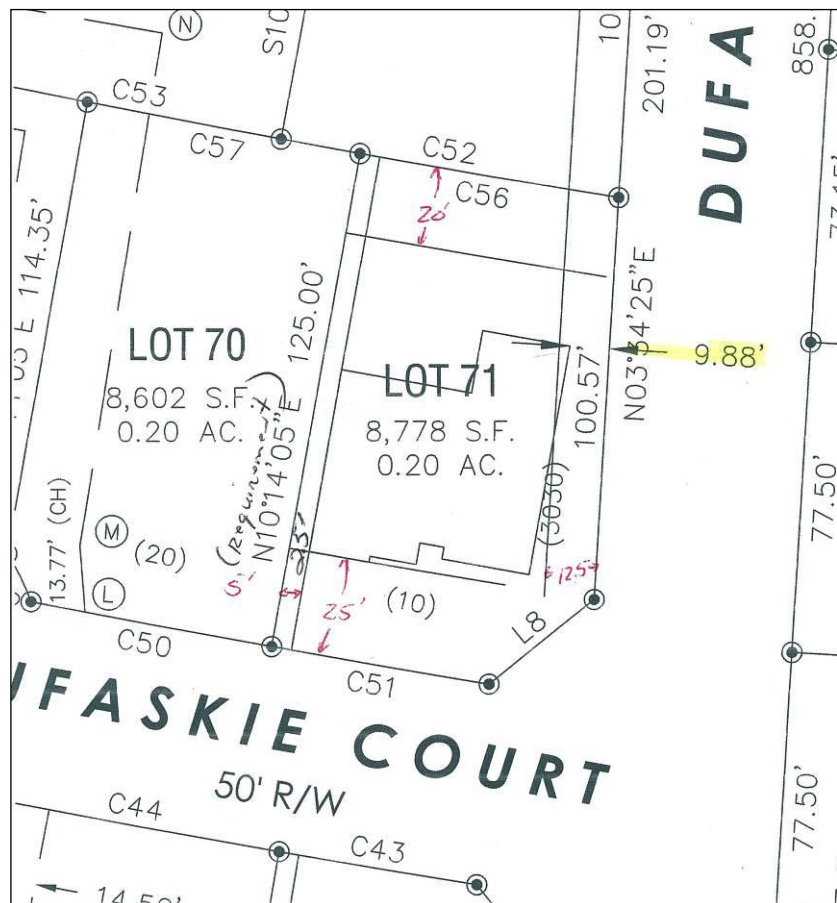
Tax Map Reference: 186-14-01-020

II. BACKGROUND

The applicant is requesting an exterior side setback variance of 2.62 ft. to allow for the construction of a new home to be located at 3030 Daufaskie Rd / 10 Daufaskie Ct., in Carolina Palms subdivision, lot 71.

The front yard setbacks for Carolina Palms subdivision are 25 ft. (SD-02-07). Because the property is a corner lot, the exterior side setback (facing Daufaskie Rd.) is half the front setback, or 12.5 ft.

Right: Sketch showing footprint of proposed home, and distance measured to property line from closest point.





Above: Daufaskie Court, with the parcel in question on the right hand side on the corner.

Below: View of parcel in question looking towards the North along Daufaskie Rd. This is the side of the parcel where the variance request is located.



Above: View looking South along Daufaskie Rd.

Below: Straight on view of edge of parcel where variance request is located.



Above: Adjacent home to South of Property.

Below: Photos of other homes in Carolina Palms with side setbacks facing the street in a similar fashion to this proposed home location. Exact setbacks of these homes are unknown.





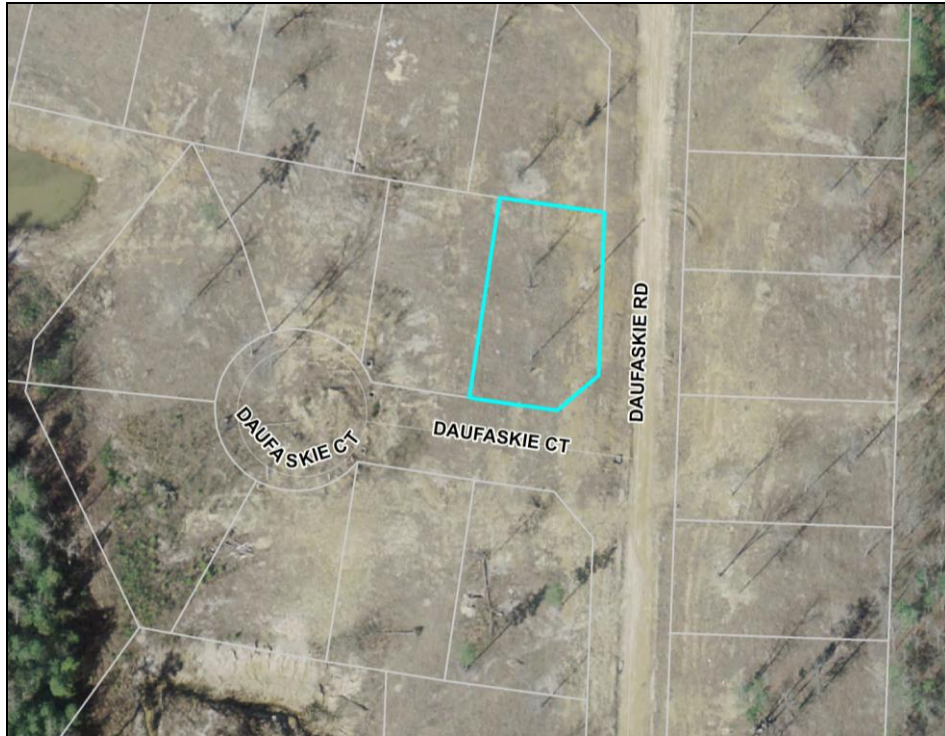
III. THE REQUEST

The applicant is requesting an exterior side setback variance of 2.62 ft. to allow for the construction of a new home to be located at 3030 Daufaskie Rd / 10 Daufaskie Ct. in Carolina Palms subdivision, lot 71.

Setbacks in Carolina Palms subdivision are 25 ft. in front (SD-02-07). Because the property is a corner lot, the exterior side setback (facing Daufaskie Rd.) is half the front setback, or 12.5 ft.

IV. FOUR-PART TEST

- 1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.***
 - *There are extraordinary conditions pertaining to this property. It is a corner lot with a street ROW line that slants towards the parcel as it advances southward. Therefore the lot narrows considerably from one corner to the other. (See graphic below)*
- 2. *These conditions do not generally apply to other property in the vicinity.***
 - *These conditions do not apply to the other properties on Daufaskie Ct. or Daufaskie Rd. in fact, the parcel on the opposite corner of Daufaskie Court widens as it advances from the corner, so a variance would not be required on that parcel. (See graphic below)*



3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

- *The home cannot be constructed on this parcel without a variance for the exterior side setback requirements.*

4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.*

- *Setbacks are established in order to create a uniform placement of homes in a community, and to afford privacy between residential dwellings. Authorizing a variance on this parcel will not impact the character of the district because the house is located on a corner, so there is no home immediately adjacent on the side in question. The intent of side setbacks on corner parcels being larger than on interior lots is to screen the home from potential traffic noise and proximity to moving vehicles. The homeowners of the parcel in question can use their own discretion and apply landscaping and other measures to reduce the affects of closer proximity to Daufaskie Rd. if the variance is granted.*

V. STAFF RECOMMENDATION

Staff recommends approval of BOA-12-39.

VI. DRAFT MOTIONS for BOA-12-39

- A.** I move that the Sumter Board of Appeals approve BOA-12-39 subject to the findings of fact and conclusions contained in the draft order dated October 10, 2012, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-12-39 on the following findings of fact and conclusions:

VII. ZONING BOARD OF APPEALS – OCTOBER 10, 2012

The Sumter City-County Board of Appeals at its meeting on Wednesday, October 10, 2012, voted to accept staff recommendation and approve this request subject to the findings of fact and conclusions contained in the draft order, dated October 10, 2012.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-12-39, 3030 Daufaskie Rd. / 10 Daufaskie Ct. (City)
October 10, 2012

Date Filed: October 10, 2012

Permit Case No. BOA-12-39

The Board of Zoning Appeals held a public hearing on Wednesday, October 10, 2012 to consider the request of Apex Home Builders, 1355 Broadwater Dr., Sumter, SC 29150 for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The parcel is a corner lot with road placement on the exterior side that cuts into the lot width significantly and reduces the buildable area.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

Adjacent parcels are either of a consistent triangular shape, or, as in the parcel on the opposite corner, have an increased buildable area due to the placement of the road.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

The home cannot be constructed on this parcel without a variance.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

Granting a variance on this parcel will not harm the character of the district. The only parcel that may be impacted by granting the variance is the residence in question, because of its closer proximity to Daufaskie Rd. The property owners can mitigate the impacts of this potential issue through landscaping and other measures, at their own discretion.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** –☒ **GRANTED**,
subject to the following conditions:

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was
mailed.**